PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Chi-Thanh DANG et al.	On Appeal from Group: 2176
Application No.: 09/859,426	Examiner: P. SMITH
Filed: May 18, 2001	Docket No.: 109445

For: SYSTEMS AND METHODS FOR MANAGING IDENTITY INFORMATION

APPEAL BRIEF TRANSMITTAL

Commissioner for Patents
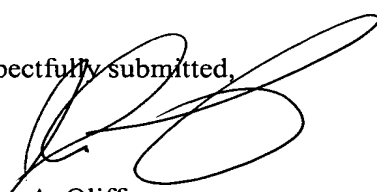P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is our Brief on Appeal in the above-identified application.

The Commissioner is hereby authorized to charge Deposit Account No. 24-0037 in the amount of Five Hundred Dollars ($500.00) in payment of the Brief fee under 37 C.F.R. 41.20((b)(2). In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 24-0037 as needed in order to effect proper filing of this Brief.

For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

John W. Fitzpatrick
Registration No. 41,018

JAO:JWF/ldg

Date: March 17, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 24-0037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Chi-Thanh DANG et al.

Application No.:   09/859,426   Examiner: P. SMITH

Filed: May 18, 2001   Docket No.:   109445

For: SYSTEMS AND METHODS FOR MANAGING IDENTITY INFORMATION

BRIEF ON APPEAL

Appeal from Group 2176

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400
Attorneys for Appellants

TABLE OF CONTENTS

I.   **REAL PARTY IN INTEREST**

The real party in interest for this appeal and the present application is Xerox Corporation, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 011927, Frame 0548.

II.   STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS

Claims 1-22 are pending in this application.

Claims 1-22 are rejected.

Claims 1-22 are on appeal.

IV.   STATUS OF AMENDMENTS

An Amendment was filed on September 21, 2005. By a Final Rejection dated

December 6, 2005, the pending claims have been finally rejected.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Website users and host clients often experience difficulties when receiving

information retrieved from third party content providers when such information has a

different "look and feel" from that of the host client. The subject matter of this application

provides systems and methods for managing the style information that allows a different

identity, or look and feel information, to be applied to a content provider's content

information.

Content elements associated with each referring website client are used to form a

skeleton or virtual content portion. The skeleton or virtual content portion is merged with

content provider information. A style sheet associated with the referring website client is

applied to a merged content portion. The resulting merged content portion maintains the

identity or look and feel of the referring website client. The resulting content portion therefore

maintains a consistent browsing experience for the end user, which ensures the merged content

is easy to use (page 2, lines 20-29).

Systems for managing identity information in a merged content portion are recited in

independent claims 1 and 16. In these independent claims, a system for managing identity

information in a merged content portion may be seen in Figs. 1, 3, 4 and 5 identified as

reference number 200. The system 200 includes an identity storage 220 that stores identity

information (see Fig. 6 and 7 which shows identity information 910)[1]. The content elements

and style sheet elements are those elements associated with a plurality of referring clients and

user 600, 700, 800. The client and user may be interchangeable depending upon the viewer of

---

[1] Figs. 6 and 7 are described in the specification beginning at page 12, line 6 -
page 13, line 18. Note that the identifier portion 910 is incorrectly described as identifier
portion 901, the content element portion 920 is misidentified as 902, and the style portion 930
is misidentified as style sheet portion 903.

the information (client and user are used interchangeably throughout the specification, for example, at page 6, line 32).

The system 200 also includes a client and user determining circuit 270 that determines a first object representing a sending client and user of a received request for information from an information provider. A skeleton/virtual content determining circuit 290 determines which of the stored identity information 910 and style sheet information 930 corresponds to the client and user to create a skeleton/virtual content record based on determined stored identity information and style sheet information (page 8, line 22 - page 9, line 15).

An input/output circuit 260 requests and receives the information from the information provider (page 9, lines 16-24). A merging circuit 250 determines the merged content portion (i.e., the skeleton/virtual content portion and the content provider information (col. 7, line 21-27)) based on the information received from the information provider and the created skeleton/virtual content record and merges the merged content portion into the created skeleton/virtual content record to create a second object different from the first object, the created second object outputted to the sending client and user to maintain a look and feel of a client website, the second object being different from the first object in that the merged content portion represents the skeleton/virtual content portion as well as the content provider information.

Independent claim 6 describes a method for managing identity information and method claim 22 describes a method for managing the look and feel of a website. Fig. 2 shows an exemplary embodiment of these methods. For example, as shown at step S20 an information request is received at the system from at least one of a client and a user. This information request may be described as a first object representing an information request from a user as in method claim 22 (page 6, lines 11-15). Upon receipt of the request, an object is determined which represents at least one of the client and the user associated with the information request at

step S30 (page 6, line 16-20). The system will also receive requested information from an information provider (see step S80). This information from the information provider is also retrieved by the system, as recited at claim 22 (see page 7, lines 15-20).

When the identity of the client and user is determined, related information to the identity information that is stored in the repository (system 200) is determined at step S40 (see page 6, lines 21-28). At step S60, a skeleton/virtual content record is created based on the determined identity information and style sheet information (see page 7, line 6-11). Based on the received information from the information provider and the skeleton/virtual content record, a merged content portion is determined at step S90. The determined merged content portion is merged into the skeleton/virtual content record to create a second object different from the first object that is consistent with the content elements and presentation elements associated with the client at step S90 (see page 7, line 21-27). Finally, the merged content portion is outputted to the client/user (see, for example, page 5, line 12 - page 6, line 10).

Independent claims 11 and 21 describe computer readable storage mediums useable to implement the systems and methods described in independent claims 1, 6, 16 and 22 described above. The system for managing identity information 200 can be implemented using a programmed general purpose computer. However, the system for managing identity information 200 can also be implemented using a special purpose computer, a programmed microprocessor or microcontroller and peripheral integrated circuit elements, an ASIC or other integrated circuit, a digital signal processor, a hardwired electronic or logic circuit such as a discrete element circuit, a programmable logic device such as a PLD, PLA, FPGA or PAL, or the like. In general, any device, capable of implementing a finite state machine that is in turn capable of implementing the flowchart shown in Fig. 2, can be used to implement the system for managing identity information 200.

Each of the circuits or software routine or elements 210 - 295 of the system for managing identity information 200 can be implemented as portions of a suitably programmed general purpose computer. Alternatively, each of circuits or software routine or elements 210 - 295 of the system for managing identity information 200 can be implemented as physically distinct hardware circuits within an ASIC, or using a FPGA, a PDL, a PLA or a PAL, or using discrete logic elements or discrete circuit elements. The particular form each of the circuits or software routine or elements 210-290 of the various exemplary embodiments of the system for managing identity information 200 will take is a design choice and will be obvious and predicable to those skilled in the art.

Moreover, the system for managing identity information 200 and/or each of the various circuits or software routines or elements can each be implemented as software routines, managers or objects executing on a programmed general purpose computer, a special purpose computer, a microprocessor or the like. In the system for managing identity information 200 and/or each of the various circuits or software routine or elements can each be implemented as one or more routines embedded in the communications network, as a resource residing on a server, or the like. The system for managing identity information 200 and the various circuits or software routine or elements can also be implemented by physically incorporating the system for managing identity information 200 into a software and/or hardware system, such as the hardware and software systems of a web server or a client device.

As shown in Figs. 3 and 4, the memory 280, the identity element storage 220 and/or 220', the identity stylesheet storage 230 and/or 230' and the content storage 295 can be implemented using any appropriate combination of alterable, volatile or non-volatile memory or non-alterable, or fixed, memory. The alterable memory, whether volatile or non-volatile, can be implemented using any one or more of static or dynamic RAM, a floppy disk and disk drive, a write-able or rewrite-able optical disk and disk drive, a hard drive, flash memory or the like.

Similarly, the non-alterable or fixed memory can be implemented using any one or more of

ROM, PROM, EPROM, EEPROM, an optical ROM disk, such as a CD-ROM or DVD-ROM

disk, and disk drive or the like.

The communication links 110 shown in Figs. 1 and 3-5 can each be any known or

later-developed device or system for connecting a communication device to the system for

managing identity information 200, including a direct cable connection, a connection over a

wide area network or a local area network, a connection over an intranet, a connection over

the Internet, or a connection over any other distributed processing network or system. In

general, the communication links 110 can be any known or later-developed connection

system or structure usable to connect devices and facilitate communication (see page 13, line

19 - page 15, line 5).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1) Claim 22 is rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,421,733 to Tso et al.

2) Claims 1-21 are rejected under 35 U.S.C. §103(a) as unpatentable over Tso in view of U.S. Patent 6,463,440 to Hind et al.

VII. ARGUMENT

A. Claim 22 Is Not Anticipated By Tso

Anticipation is determined by a comparison of the reference with the claims. A prior art reference anticipates the subject of the claim when the reference discloses each and every feature of the claimed invention, either explicitly or inherently (see Atlas Powder Co. v. IRECO Inc., 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945-46 (5th Cir. 1999)).

It is well settled that the burden of establishing a prima facie case of anticipation resides with the Patent and Trademark Office (see In re Piasecki, 745 F.2d 1468, 223 USPQ 785, 788 (Fed. Cir. 1984)). An inventor may choose to be his or her own lexicographer by defining, with reasonable clarity, deliberateness and precision, the specific terms used to describe his invention. In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). In this regard, words which are defined in the specification must be given the same meaning when used in the claim. McGill, Inc. v. John Zink Co., 736 F.2d 666, 674, 221 USPQ 944, 949 (Fed. Cir.), cert. denied, 469 U.S. 1037 (1984).

Claim 22 stands rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,421,733 to Tso et al. (Tso). Tso discloses a system for dynamically transcoding data transmitted between two computers over a communications link (col. 1, lines 10-14). Tso deploys a "smart" proxy server to transcode (manipulate) data requested from a client server (col. 3, lines 8-40 of Tso). When a network client 12 requests a hypertext object, HTTP remote proxy retrieves the hypertext object from a parser 22 which is part of a remote server. A transcode service provider 24 is selected to transcode the data prior to returning the requested object to the client (col. 6, lines 24-50). The parser 22 may selectively invoke a particular transcode service provider 24 based upon satisfaction of a predetermined selection criterion, such as for example, information contained in a header portion of a data packet received by the transcoding server 34 (col. 6, line 64 - col. 7, line 2).

It is alleged that Tso discloses the claim feature of determining content elements and

presentation elements associated with the client at col. 6, line 64 - col. 8, line 9. However,

beginning at col. 6, line 64, Tso merely discloses that the parser 22 which is part of a remote

transcoding server 34 may selectively invoke one of a number of transcode service providers

(or software programs) 24, based upon satisfaction of a predetermined selection criterion.

Tso then goes on to give a number of examples of such selection criterion. Tso specifically

discloses that such selection criterion may comprise, for example, information contained in a

header portion of a data packet received by the transcoding server 34 such as a MIME type, a

URL or uniform resource locator, a last modified time indicator, and so on. Other disclosed

examples of types of information which may be used to dictate which of the particular

transcode service providers 24 are invoked include network client display criteria such as

displayed dimension, resolution, number of colors, etc. Tso fails to disclose that these

selection criteria which are used to invoke a particular transcode service provider used to

manipulate data (see col. 2, lines 47-49 of Tso) are determining content elements and

presentation elements associated with a client from an identity storage repository. Rather,

Tso merely discloses that such selection criteria may be contained in a data packet that is

received by the transcoding server 34 to select software to manipulate data.

It is also alleged that Tso discloses the claim feature of creating a virtual content

record based on the content elements and the presentation elements of the client at col. 6,

line 64 - col. 8, line 9. Based on this assumption, it is then alleged that Tso discloses that the

retrieved requested information is merged with the virtual content record to create a document

consistent with the content elements and presentation elements associated with the client and

once again relies on col. 6, line 64 - col. 8, line 9 as support. Although Tso discloses a

number of ways in which the desired transcode service provider is selected to manipulate

data, there is no disclosure of creating a virtual skeleton content record or merging retrieved

information into such a skeleton/virtual content record. A general definition of "transcoding" or "manipulating data" does not satisfy the requirement of 35 U.S.C. §102 as anticipating the features recited in the rejected claims.

Furthermore, as clearly shown in at least Figs. 3 and 5 of Tso, the same data is merely being passed back and forth between the server and the client. In contrast, amended claim 22 recites that a second object is created that represents the retrieved information, i.e., from the service provider and the selected skeleton/virtual content record, thereby providing a <u>new</u> document that is consistent with what the client (user) is observing. As Tso fails to disclose each and every feature of claim 22, Tso fails to anticipate the rejected claim.

B. **Claims 1-21 Are Not Rendered Obvious By The Combination Of Tso And Hind**

In rejecting claims under 35 U.S.C. §103(a), it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, <u>In re Fine</u>, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in <u>Graham v. John Deere Co.</u>, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. <u>Uniroyal Inc. v. F-Wiley Corp.</u>, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); <u>Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.</u>, 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); <u>ACS Hospital Systems, Inc. v. Montefiore Hospital</u>, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a *prima facie*

case of obviousness. Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

It is well settled that a rejection based on 35 USC §103(a) must rest on a factual basis, which the Patent and Trademark Office has the initial duty of supplying. In re GPAC, Inc., 57 F.3d 1573, 1582, 35 USPQ2d 1116, 1123 (Fed. Cir. 1995). A showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This evidence may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. See Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996). However, the suggestion more often comes from the teachings of the pertinent references. See In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See Dembiczak, 175 F.3d at 1000, 50 USPQ2d at 1617. However, the suggestion to combine need not be express and "may come from the prior art, as filtered through the knowledge of one skilled in the art." Motorola, Inc.

v. Interdigital Tech. Corp., 121 F.3d 1461, 1472, 43 USPQ2d 1481, 1489 (Fed. Cir. 1997).

It is impermissible for an examiner to engage in hindsight reconstruction of the claimed invention using appellant's structure as a template and selecting elements from references to fill the page. The references themselves must provide some teaching whereby the appellant's combination would have been obvious. In re Gorman, 911 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir, 1991). That is, something in the prior art as a whole must suggest the desirability, and thus obviousness, of making the combination. See, In re Beattie, 974 F.2d 1309, 1312, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992); Lindemann Machinenfabrik GMBH v. American Hoist and Derrick Co., 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984).

In making an assessment of differences between the prior art and the claimed subject matter, §103 specifically requires consideration of the claimed invention "as a whole." The "as a whole" instruction prevents evaluation of the invention on a part-by-part basis. Without this important requirement, an obviousness assessment might successfully break an invention into its component parts, then find a prior art reference corresponding to each component. This line of reasoning would import hindsight into the obviousness determination by using the invention as a road map to find its prior art components. *In re Ruiz v. AB Chance Co.*, 357 F.2d 1270, 1275 (Fed. Cir. 2004). The "as a whole" assessment of the invention requires as shown that an artisan of ordinary skill in the art at the time of the invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the various elements from the prior art and combined them in the claimed manner. In other words, §103 requires some motivation or suggestion, before the invention itself to make the new combination. *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over Tso in view

of U.S. Patent 6,463,440 to Hind et al. (Hind).[2] As discussed above, Tso discloses a system

for dynamically transcoding data transmitted between two computers over a communications

link (col. 1, lines 10-14). Tso deploys a "smart" proxy server to transcode (manipulate) data

requested from a client server (col. 3, lines 8-40 of Tso). When a network client 12 requests a

hypertext object, HTTP remote proxy retrieves the hypertext object from a parser 22 which is

part of a remote server. A transcode service provider 24 is selected to transcode the data prior

to returning the requested object to the client (col. 6, lines 24-50). The parser 22 may

selectively invoke a particular transcode service provider 24 based upon satisfaction of a

predetermined selection criterion, such as for example, information contained in a header

portion of a data packet received by the transcoding server 34 (col. 6, line 64 - col. 7, line 2).

It is alleged that Tso teaches the claim feature of an identity storage that stores identity

information including content element and transformation information associated with a

client and a user at col. 6, line 64 - col. 8, line 9. Tso fails to disclose any such feature. As

discussed above, the referenced section of Tso merely discloses selection criterion that is used

by the transcoding server 34 to choose a transcode service provider 24 for further

manipulation of data. Additionally, as previously stated, the only recitation of where such

predetermined selection criteria may come from is within a data packet being received by the

transcoding server 34 such as a MIME type, a URL, a last modified time indicator. Thus, Tso

does not disclose the claimed identity information storage.

Moreover, the remote transcoding server 34 only includes a cache memory 30 that is

described in Tso as being used to cache objects that it manages and stores such objects (col. 4,

lines 38-45). The server side cache memory 30 enables maintenance of multiple

---

[2] Hind is only relied upon for allegedly teaching storing style sheet information.

representations of a given cached object with descriptive information about each

representation included in the server side cache memory. The memory 30 may also serve as a

synchronization point for multithreaded accesses to cached objects (col. 4, line 62 - col. 5,

line 2). In use, the transcode service providers 24 can use the server side cache memory to

store several different versions of an object to support clients with different communications

and/or presentation capabilities. The transcode service provider uses a separate thread to read

the incoming datastream, transcode it and place it within the entry of the server side cache

memory. (Col. 6, lines 9-44). Thus, there is no disclosure in Tso of an identity storage that

stores identity information including content elements that are associated with a plurality of

referring clients and a user. Rather, as clearly disclosed in Tso, the cache memory is only

used to temporarily hold objects that have been received from an incoming datastream for

transcoding (i.e., manipulation of data).

It is also suggested that Tso discloses that the characteristics and preferences of users,

content providers and servers are all stored in identity storages which are accessed by the

transcoding server to perform dynamic customizations on requested content. This

interpretation of the cited section of Tso is inaccurate. As discussed above, Tso merely

describes examples of the types of information which may be used to dictate which of the

transcode service providers 24 are invoked. Each of the examples provided such as network

client preferences, user identity, proxy characteristics, etc., which are referred to in the Office

Action, are merely used as selection criteria for software selection. Additionally, there is no

disclosure of the determinants being stored in identity storages, but rather are merely being

read from an incoming data packet received by the transcoding server (col. 6, line 64 - col. 7,

line 3).

Further, as discussed above, the remote transcoding server 34 is only disclosed as

having a cache memory 30. A cache memory merely stores the contents of frequently

17

accessed RAM locations and the addresses where these data items are stored. When the processor references an address in memory, the cache checks to see whether it holds that address. If it does hold the address, the data is returned to the processor and if it does not, a regular memory access occurs. Thus, the cache memory 30 of Tso does not correspond to an identity storage as recited in the claims and described in the specification.

It is further alleged that Tso teaches the claim feature of a skeleton/virtual content determining circuit. In support of the allegation, col. 2, lines 44-55 is cited. However, the cited section merely provides a definition of the term "transcode" as manipulation of data including but not limited to adding, modifying or deleting data.

Column 6, line 64 - col. 8, line 9 of Tso is also relied upon as disclosing the claimed skeleton/virtual content determining circuit. However, as discussed above, the cited section of Tso merely discloses selective invocation of one transcode service provider 24 based upon satisfaction of a predetermined selection criterion. The selection criterion may be information contained in a header portion of a data packet received by transcoding server 34 such as a MIME type, a URL, a last modified time indicator and so on. The number of examples of types of information which may be used to dictate the selection of a particular transcode service provider fails to disclose or suggest a skeleton/virtual content determining circuit as recited in the claims. Rather, the cited sections merely disclose examples of types of information which may be used to dictate the selection or invocation of a particular transcode service provider 24. The transcode service providers are defined as having the capability of compressing and/or scaling types of data content such as image, video or HTML, as well as a wide variety of transcoding functions (col. 3, lines 45-65). Thus, there is no disclosure or suggestion in Tso of a skeleton/virtual content determining circuit.

More importantly, as discussed above regarding the rejection of claim 22, Tso merely discloses passing the same data object back and forth between the server and the client. Thus,

18

Tso does not disclose or suggest creating a new (second) object, different from the first object and outputting the new object to the sending client and the user to maintain the look and feel of a client website.

Finally, it is admitted that Tso fails to disclose the additional claim feature of an identity storage that stores identity information including style sheet information. To overcome the admitted deficiency, Hind is relied upon at col. 4, lines 48-56, and col. 9, lines 4-48.
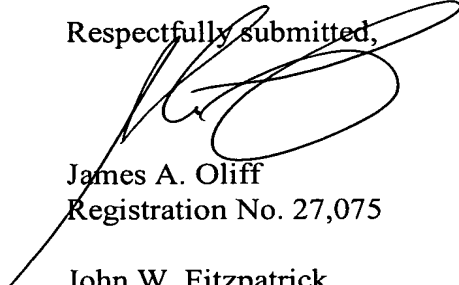
Hind relates to a method system and computer readable code for retrieving style sheets from a directory or other repository based on partial characteristic matching (col. 1, lines 16-20). An object of Hind is to provide a technique for using style sheet characteristics to select and retrieve an appropriate style sheet for a target environment using a pattern matching process and represent user preferences and/or device and browser capabilities. However, Hind fails to disclose an identity storage that stores style sheet information associated with a plurality of referring clients and a user. Rather, Hind merely discloses matching criteria based as user preferences, device type and browser type (col. 11, lines 39-44). Thus, Hind fails to disclose or suggest the additional claim feature.

Moreover, even were Hind interpreted as disclosing the feature as alleged, Hind fails to disclose the additional feature of determining which of the stored identity information and the style sheet information correspond to the client and the user . . . based on received information, i.e., the identity of the client and user. Rather, Hind looks to the style sheet only to determine a choice of style sheet and not the identity of the user (see col. 11, lines 39-60). Accordingly, withdrawal of the rejection of claims 1-21 under 35 U.S.C. §103(a) is respectfully requested.

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections

are in error and that claims 1-22 are in condition for allowance. For all of the above reasons,

Appellants respectfully request this Honorable Board to reverse the rejection of claims 1-22 and

allow all pending claims.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

John W. Fitzpatrick
Registration No. 41,018

JAO:JWF/rle

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

Filed: March 17, 2006

APPENDIX A - CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. A system for managing identity information in a merged content portion, comprising:

an identity storage that stores identity information including content elements and style sheet information, associated with a plurality of referring clients and a user;

a client and user determining circuit that determines a first object representing a sending client and a user of a received request for information from an information provider;

a skeleton/virtual content determining circuit that determines which of the stored identity information and the style sheet information correspond to the client and the user to create a skeleton/virtual content record based on determined stored identity information and style sheet information;

an input/output circuit that requests and receives the information from the information provider; and

a merging circuit that determines the merged content portion based on the information received from the information provider and the created skeleton/virtual content record and merges the merged content portion into the created skeleton/virtual content record to create a second object different from the first object, the created second object is outputted to the sending client and the user to maintain a look and feel of a client website.

2. The system of claim 1, wherein the identity storage comprises identity content element storage and identity presentation information storage.

3. The system of claim 1, wherein the client and user determining circuit determines at least one of a client identification and a user identification based on at least one

of internet protocol address information, session identifier information, name pairs and value pairs.

4.   The system of claim 1, wherein the merged content portion is stored using at least one of an electronic medium, a printed medium and a paper medium.

5.   The system of claim 1, wherein the merged content portion is at least one of an interactive electronic text, a printed text, an audio book and a video book.

6.   A method for managing identity information, comprising:

receiving an information request from at least one of a client and a user;

determining an object representing at least one of the client and the user associated with the information request;

receiving the requested information from an information provider;

determining identity information from identity information stored in a repository that includes content elements and style sheet information, based on the at least one of the client and user;

creating a skeleton/virtual content record based on the determined identity information and style sheet information;

determining a merged content portion based on the received information and the skeleton/virtual content record;

merging the merged content portion into the skeleton/virtual content record to create a second object different from the first object; and outputting the second object to the sending client and the user to maintain a look and feel of a client website.

7.   The method of claim 6, wherein the stored identity information comprises at least one of identity content element information and identity presentation information.

8.   The method of claim 6, wherein determining the client and user identity information is based on at least one of internet protocol address information, session identifier information, name pairs and value pairs.

9.   The method of claim 6, wherein determining the merged content portions produces at least one of an interactive text, a printed text, an audio book and a video book.

10.   The method of claim 7, further comprising storing the merged content portions on at least one of electronic media, printed media and a paper media.

11.   A computer readable storage medium, comprising:

computer readable program code embodied on said computer readable storage medium, said computer readable program code usable to program a computer to perform a method for managing identity information comprising:

receiving a first object representing an information request from at least one of a client and a user;

determining the client and user associated with the information request;

receiving the information from an information provider;

determining identity information from stored identity information that includes content elements and style sheet information, based on client and user information;

creating a skeleton/virtual content record based on the determined identity information and style sheet information;

determining a merged content portion based on the information and the skeleton/virtual content record;

merging the merged content portion into the skeleton/virtual content record to create a second object different from the first object, and outputting the second object to the sending client and the user to maintain a look and feel of a client website.

12.   The computer readable storage medium, comprising the computer readable program code as in claim 11, wherein the stored identity information comprises at least one of identity content element information and identity presentation information.

13.   The computer readable storage medium, comprising the computer readable program code as in claim 11, wherein the client and user information is determined based on at least one of internet protocol address information, session identifier information and name and value pairs.

14.   The computer readable storage medium, comprising the computer readable program code as in claim 11, wherein determining the merged content portions produces at least one of an interactive text, a printed text, an audio book and a video book.

15.   The computer readable storage medium, comprising the computer readable program code as in claim 11, wherein the merged content portions are stored on at least one of electronic media, printed media and a paper media.

16.   A system for managing identity information in a merged content portion, comprising:

        an identity storage for storing identity information, including content elements and style sheet information, associated with a client and user;

        a client and user determining circuit for determining a first object representing the sending client and the user of a received request signal for information from an information provider;

        a skeleton/virtual content for determining circuit that determines which of the stored identity information and the style sheet information correspond to the client and user to create a skeleton/virtual content record based on the determined stored identity information and the style sheet information;

an input/output circuit for requesting and receiving an information signal from the information provider;

a merging circuit for determining the merged content portion based on a received information signal and the skeleton/virtual content record that includes an identity associated with the determined client and user to merge the merged content portion into the skeleton/virtual content record to create a second object different from the first object, and the second object is outputted to the sending client and the user to maintain a look and feel of a client website.

17. The system of claim 16, wherein the identity storage comprises identity content element storage and identity presentation information storage.

18. The system of claim 16, wherein the client and user determining circuit determines the client and user identifier based on at least one of internet protocol address information, session identifier information and name and value pairs.

19. The system of claim 16, wherein the merged content portion is stored on at least one of an electronic media, a printed media and a paper media.

20. The system of claim 16, wherein the merged content portion is at least one of an interactive electronic text, a printed text, an audio book and a video book.

21. A computer program product for managing identity information comprising a device for executing the control program, the device couplable to an identity storage that stores identity information associated with a client and user, the program code comprising:

program code for receiving a first object representing an information request from at least one of a client and a user;

program code for determining at least one of a client and a user associated with the information request;

program code for receiving the requested information from the information provider;

program code for determining identity information from stored identity information that includes content elements and style sheet information, based on the determined client and user information;

program code for creating a skeleton/virtual content record based on the determined identity information and style sheet information;

program code for determining a merged content portion based on the information and the skeleton/virtual content record;

program code for merging the merged content portion into the skeleton/virtual content record to create a second object different from the first object, and a program code for outputting the second object to the client and the user to maintain a look and feel of a client website.

22.   A method for managing the look and feel of a web site, comprising:

receiving a first object representing an information request from a user;

determining an identity of a client associated with the information request;

determining content elements and presentation elements associated with the client from an identity storage repository;

retrieving the requested information from an information provider;

creating a skeleton/virtual content record based on the content elements and the presentation elements of the client;

merging the retrieved requested information and the skeleton/virtual content record to create a second object representing a document consistent with the content elements and presentation elements associated with the client; and

outputting the document to the user.

<u>APPENDIX B - EVIDENCE APPENDIX</u>

NONE

APPENDIX B - EVIDENCE APPENDIX

APPENDIX C - RELATED PROCEEDINGS APPENDIX

NONE